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COUNTY COUNCIL
COUNTY OF MAUI
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December 30, 2025

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The Honorable Alice L. Lee
Council Chair
County of Maui
Wailuku, Hawai'i 96793

Dear Chair Lee:

SUBJECT: RESOLUTION 25-230, ENTITLED “REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS”
(PAF 25-363)

May I request the attached proposed Amendment Summary Form related to Resolution 25-230, entitled “REFERRING TO THE LĀNA'I, MAUI, AND MOLOKAI PLANNING COMMISSIONS A PROPOSED BILL AMENDING THE COMPREHENSIVE ZONING ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS,” be placed on the next Council meeting agenda.

Sincerely,

KEANI N. W. RAWLINS-FERNANDEZ
Councilmember

paf:mkm:25-363c

Enclosure

COUNTY COMMUNICATION NO. 26-2

RESOLUTION 25-230

January 7, 2025, Council meeting

MAUI COUNTY COUNCIL
Amendment Summary Form

Legislation: Proposing the H-3 and H-4 Hotel Districts

Proposer: Keani N. W. Rawlins-Fernandez, Councilmember.

Description: Amends the bill attached to the resolution.

Motion: Move to amend Resolution 25-230's Exhibit "1" as follows:

1.) Amend the reference year to 2026.

2.) Amend SECTION 1's second paragraph to read as follows:

"This Ordinance's purposes are to:

1. Implement the Bill 9 TIG's recommendation; and
2. Acknowledge necessary protection of shoreline and ocean ecosystems as recognized in the Maui Island Plan, community plans, and Climate Action and Resiliency Plan."

3.) Amend SECTION 3 by amending Code Subsection 19.14.010(C) to read as follows:

"C. The H-3 and H-4 districts are for units or structures that operate transient vacation rentals."

4.) Amend SECTION 4 by amending Code Subsection 19.14.020(B) to read as follows:

"B. The following uses are permitted in the H-3 and H-4 districts:

1. Any use permitted in residential and apartment districts.
2. Transient vacation rental uses."

5.) Amend SECTION 5 by amending Code Subsection 19.14.030(B) to read as follows:

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"B. The following accessory uses are permitted as accessory uses in the H-3 and H-4 districts:

Accessory uses and buildings	Criteria or limitations
<u>A. Energy systems, small-scale</u>	<u>Only if there will be no detrimental or nuisance effect upon the neighbors</u>
<u>B. Fences, mail boxes, trash enclosures</u>	
<u>C. Garages</u>	
<u>D. Subordinate uses and structures that are determined by the director to be clearly incidental and customary to the permitted uses</u>	

"

6.) Add a new SECTION 6 to read as follows:

"19.14.040 Restrictions. A. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022, unless such new rooms or units are situated landward of the line set at the distance from the certified shoreline to the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawai'i sea level rise viewer hosted by the pacific islands ocean observing system as of November 4, 2022. For all such new rooms or units, any ground altering activity proposed in culturally sensitive areas as determined by the County archaeologist will be referred to the Maui County cultural resources commission, which may review and comment on the potential impact to historic properties and cultural resources to the State historic preservation division in accordance with Hawai'i Revised Statutes chapter 6E.

B. Construction, maintenance, or expansion of shoreline armoring is prohibited."

7.) Renumber SECTION 6 as SECTION 7.

8.) Add a new SECTION 8 to read as follows:

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19.14.055. Coastal transition and phased removal.

A. At the time of the zoning change, the director must execute an agreement with the property owners to remove a human-made object not part of the natural ecosystem that is affixed to the land.

B. For this section's purposes, human-made objects not part of the natural ecosystem that are affixed to the land include buildings, foundations, decks, patios, swimming pools, septic systems, roads, parking lots, retaining walls, and shoreline-hardening structures, but do not include public infrastructure addressed in a separate capital plan."

9.) Renumbering the remain sections appropriately.

Effect: See attached proposed markup of the amended bill, with proposed additions shown in highlighting and proposed deletions shown in strikethrough text with highlighting.

Attachment: Proposed markup of Exhibit "1."

paf:mkm:25-363a

EXHIBIT "1"

ORDINANCE NO. _____

BILL NO. _____ (20256)

A BILL FOR AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING
ORDINANCE TO ESTABLISH THE H-3 AND H-4 HOTEL DISTRICTS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. In a report to the Council's Housing and Land Use Committee dated October 14, 2025, the Bill 9 Temporary Investigative Group recommended legislation establishing H-3 and H-4 Hotel Districts in Chapter 19.14, Maui County Code. According to the report, the legislation would allow existing Apartment District properties to continue Transient Vacation Rental uses, if appropriate, even if the Council enacts an ordinance phasing out TVRs as permitted uses in the A-1 and A-2 zones.

This Ordinance's purpose is purposes are to:

1. implement Implement the Bill 9 TIG's recommendation; and
2. Acknowledge necessary protection of shoreline and ocean ecosystems as recognized in the Maui Island Plan, community plans, and Climate Action and Resiliency Plan.

SECTION 2. Section 19.06.010, Maui County Code, is amended to read as follows:

"19.06.010 Districts designated. 1. The County is divided into the following base zone districts:

- A. Open space districts:
 1. OS-1.
 2. OS-2.

- B. Residential districts:
 - 1. R-1.
 - 2. R-2.
 - 3. R-3.
- C. R-0 zero lot line residential district.
- D. Two-family districts.
 - 1. D-1.
 - 2. D-2.
- E. Apartment districts.
 - 1. A-1.
 - 2. A-2.
- F. Hotel districts.
 - 1. H-1.
 - 2. H-M.
 - 3. H-2 and hotel.
 - 4. H-3.
 - 5. H-4.
- G. Business districts:
 - 1. SBR service.
 - 2. B-CT country town.
 - 3. B-1 neighborhood.
 - 4. B-2 community.
 - 5. B-3 central.
 - 6. B-R resort commercial district.
- H. Industrial districts:
 - 1. M-1 light.
 - 2. M-2 heavy.
 - 3. M-3 restricted.
- I. Park districts:
 - 1. PK.
 - 2. GC.
- J. Airport district.
- K. Agricultural district.
- L. Rural districts:
 - 1. RU-0.5.
 - 2. RU-1.
 - 3. RU-2.
 - 4. RU-5.
 - 5. RU-10.
 - 6. County rural.
- M. Public/quasi-public districts:
 - 1. P-1.
 - 2. P-2.
- N. Kihei research and technology park district.
- O. Maui research and technology park district.
- P. Napili bay civic improvement district.

- Q. Urban reserve district.
- R. Interim.
- S. Maui County historic districts.
 - 1. Historic district no. 1 in Lahaina.
 - 2. Historic district no. 2 in Lahaina.
 - 3. Historic district no. 3 in Wailuku.
- T. Project Districts.
- U. Wailuku Redevelopment Area (“WRA”) districts, including:
 - 1. WRA business/multi-family ([currently] designated as “Business Multi-Family on the digital zoning map).
 - 2. WRA commercial mixed use[.] ([currently] designated as “Commercial Mixed Use - MRA” on the digital zoning map).
 - 3. WRA multi-family ([currently] designated as “Multi Family – MRA” on the digital zoning map).
 - 4. WRA public/quasi-public ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
 - 5. WRA residential ([currently] designated as “Public/Quasi Public – MRA” on the digital zoning map).
- 2. The County has the following overlay zone districts:
 - A. Wetlands overlay district.
 - B. Planned development.
 - C. Cluster housing development.
 - D. R-0 zero lot line overlay district.
 - E. Wellhead protection overlay district.”

SECTION 3. Section 19.14.010, Maui County Code, is amended to read as follows:

“19.14.010 Purpose and intent. A. A hotel district is a high density, multiple-family area bordering business districts or ocean fronts, or both. This district includes public and semi-public institutional and accessory uses.

B. Hotel districts include the following: H-1, H-M, H-2, hotel, H-3, and H-4.

C. The H-3 and H-4 districts are reserved for units or structures that had been in the A-1 and A-2 districts, respectively, and where operate transient vacation rentals had been permitted uses.”

SECTION 4. Section 19.14.020, Maui County Code, is amended to read as follows:

“19.14.020 Permitted uses. [Within hotel districts, the] A.
The following uses [shall be] are permitted[:] in the H-1, H-M, H-2,
and hotel districts:

[A.] 1. Any use permitted in residential and apartment districts[;].

[B.] 2. Hotels[;].

[C.] 3. Apartment-hotels[;].

[D.] 4. Auditoriums and theaters[;].

[E.] 5. Automobile parking lots and buildings[;].

[F.] 6. Bona fide nonprofit clubs and lodges[;].

[G.] 7. Nonprofit museums, libraries, art galleries, and philanthropic institutions[; and].

[H.] 8. Cell or radio antenna attached to an existing building.

B. The following uses are permitted in the H-3 and H-4 districts:

1. Any use permitted in residential and apartment districts.

2. Transient vacation rental uses that were legally permitted the day before the effective date of the ordinance requiring transient vacation rental uses to be phased out in the A-1 and A-2 districts.”

SECTION 5. Section 19.14.030, Maui County Code, is amended to read as follows:

“19.14.030 Accessory uses and buildings. A. The following accessory uses are permitted in the H-1, H-M, H-2, and hotel districts:

Accessory uses and buildings	Criteria or limitations
A. Energy systems, small-scale	[Provided] <u>Only if</u> there will be no detrimental or nuisance affect upon the neighbors
B. Fences	
C. Garages	
D. Eating and drinking establishments	
E. Personal and business services	
F. Dancing and hula studios	
G. Flower, gift, and curio shops	1. All hotel and apartment-hotel buildings in which [such] <u>the</u> accessory uses [shall be] <u>are</u> permitted [and allowed shall] <u>must</u> contain more than [twenty] <u>20</u> rental units
H. Music stores and studios	2. Personal service shops and businesses allowed as accessory uses [shall] <u>must</u> be operated primarily as an accessory service
I. Newsstands and magazine stands	
J. Pharmacies and drug stores	

K. Restaurants, with or without nightclub facilities	to, and for the convenience of tenants, occupants, and guests of apartment, hotel, and apartment-hotel buildings
L. Other accessory, business, or service establishments [which] <u>that</u> supply commodities or perform services primarily for the hotel guests; however, [such] <u>the</u> uses [shall] <u>must</u> be approved by the director of planning as conforming to the intent of this [title] <u>section</u>	3. Where the lot area is [in excess of twenty thousand] <u>more than 20,000</u> square feet, doors and entrances to shops and businesses allowed as accessory uses may be permitted to open to the public street; further, the shops and businesses may be constructed as separate buildings[, provided,] if that location of [such] <u>the</u> shops and businesses [shall have] <u>has</u> been approved by the director of planning

B. Accessory The following accessory uses under section 19.12.020 are permitted as accessory uses in the H-3 and H-4 districts:

Accessory uses and buildings	Criteria or limitations
A. Energy systems, small-scale	Provided there will be no detrimental or nuisance effect upon the neighbors
B. Fences, mail boxes, trash enclosures	
C. Garages	
D. Subordinate uses and structures which are determined by the director of planning to be clearly incidental and customary to the permitted uses listed herein	

SECTION 6. Section 19.14.040, Maui County Code, is amended to read as follows:

“19.14.040 Restrictions. A. The number of rooms or units allowed for transient vacation rental use may not increase beyond those allowed for such use as of January 7, 2022, unless such new rooms or units are situated landward of the line set at the distance from the certified shoreline to the mapped line for coastal erosion at 3.2 feet of sea level rise, as depicted on the State of Hawai‘i sea level rise viewer hosted by the pacific islands ocean observing system as of November 4, 2022. For all such new rooms or units, any ground altering activity proposed in culturally sensitive areas as determined by the County archaeologist will be referred to the Maui County cultural resources commission, which may review and comment on

the potential impact to historic properties and cultural resources to the State historic preservation division in accordance with Hawai'i Revised Statutes chapter 6E.

B. Construction, maintenance, or expansion of shoreline armoring is prohibited.

SECTION 6. Section 19.14.050, Maui County Code, is amended to read as follows:

"19.14.050 Development standards.

	H-1	H-M	H-2 & Hotel	H-3	H-4	Notes and Exceptions
Minimum lot area (square feet)	10,000	15,000	20,000	<u>10,000</u>	<u>10,000</u>	
Minimum lot width (in feet)	75	85	100	<u>70</u>	<u>70</u>	
Maximum building height (in feet)	35	90	160	<u>35</u>	<u>60</u>	Except that vent pipes, fans, elevator and stairway shafts, chimneys, cell or antennae, and equipment used for small scale energy systems on roofs may extend an additional 10 feet above the building roof
Minimum yard setback (in feet)						
Front and rear	$\frac{1}{2}$ the height of building with a minimum of 15 feet			<u>15 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet</u>		

Side	Building height in feet		Side yard in feet	10 feet for the portion of the building 35 feet or less in height, and 20 feet for the portion of the building taller than 35 feet			
	Less than 30		10				
	30 to 60		15 ft.				
	60 to 90		20 ft.				
	90 to 120		25 ft.				
	120 to 160		30 ft.				
Maximum lot coverage	25%	30%	35%	25%	35%		
Maximum floor area ratio	50%	100%	150%	40% for lots three acres or more, 50% for lots less than three acres	90%		
Accessory structures within setback area	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	Mail boxes, trash enclosures, boundary walls, and ground signs	[Shall] Must not exceed [8] eight feet in height except for signs for which a greater height is allowed in chapter 16.13[.of this code]	

”

SECTION 8. Chapter 19.14, Maui County Code, is amended by adding a new section to read as follows:

“19.14.055. Coastal transition and phased removal. A. At the time of the zoning change, the director must execute an agreement with the property owners to remove a human-made object not part of the natural ecosystem that is affixed to the land.

B. For this section’s purposes, human-made objects not part of the natural ecosystem that are affixed to the land include buildings, foundations, decks, patios, swimming pools, septic systems, roads, parking lots, retaining walls, and shoreline-hardening structures, but do not include public infrastructure addressed in a separate capital plan.”

SECTION **7** 9. Material to be repealed is bracketed. New material is underscored. In printing this bill, the County Clerk need not include the brackets, the bracketed material, or the underscoring.

SECTION **8-10**. This Ordinance takes effect on approval.

paf:mkm:25-363